

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MYRON GAYLORD BRANDON,

Petitioner,

v.

KENNETH QUINN,

Respondent.

Case No. C05-5417FDB

ORDER DENYING CERTIFICATE
OF APPEALABILITY

Petitioner filed notice of appeal stating that he was challenging the Court's conclusion regarding *Apprendi* in his case. The Magistrate Judge concluded and this Court agreed that *Apprendi v. New Jersey*, 530 U.S. 466 (2000) does not apply retroactively.

ACCORDINGLY, IT IS ORDERED: Certificate of Appealability is DENIED.

DATED this 22nd day of February, 2006.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE